

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7577

BILL NUMBER: HB 1491

NOTE PREPARED: Apr 13, 2009

BILL AMENDED: Apr 9, 2009

SUBJECT: St. Joseph Superior Court Judges.

FIRST AUTHOR: Rep. Fry

FIRST SPONSOR: Sen.Charbonneau

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Election of St. Joseph County Superior Judges*- The bill requires the nonpartisan election of superior court judges in St. Joseph County. The bill continues the terms of the St. Joseph superior court judges in office on June 30, 2009, until the date the judges' terms will end under the law in effect on June 30, 2009.

Campaign Contributions -- The bill provides that a judge or a candidate for judge of the Saint Joseph Superior Court may not accept certain political contributions.

Repealer- The bill repeals provisions concerning judicial retention elections in St. Joseph County.

Sixth District of the Court of Appeals- The bill establishes the Sixth District of the Court of Appeals of Indiana as of January 1, 2011. The bill provides that the entire state constitutes the Sixth District.

Effective Date: (Amended) July 1, 2009; January 1, 2010; January 1, 2011

Explanation of State Expenditures: *Election of St. Joseph County Superior Judges*- The Election Division (ED) would have to determine candidate eligibility from declaration of candidacy documents filed by those seeking a judgeship through election. The ED would be able to process the additional documents within their existing level of resources.

(Revised) *Sixth District Court of Appeals*- This new three-judge panel would begin operating on January 1, 2010.

Prior to the Sixth District beginning operation, the Judicial Nominating Commission would be required to nominate three candidates for each of the judgeships prior to November 1, 2010. Since one meeting would likely be needed to identify a candidate for each judgeship, at least three meetings are assumed to be conducted in FY 2010.

The Department of Administration also would be required to arrange for facilities for the Court of Appeals.

The total new staff would include:

- three judges.
- three secretaries.
- three chief judicial law clerks.
- six judicial law clerks.

The salaries of trial court judges and court of appeals judges are adjusted annually by state law. (See *Background* below concerning salary adjustments and medical benefits.)

Added administrative support would be needed to support all six courts of appeals and support staff, which would exceed 100 employees. These added support staff would include:

- a staff attorney.
- administrative assistant for staff attorney.
- computer technician.
- a personnel and financial officer.

Cost estimates include one-time costs for furniture and automation. Ongoing costs include salaries and benefits and rent. The following cost estimates are made for the 6th District.

Estimated Costs of Sixth District Court of Appeals				
	FY 2010	FY 2011	FY 2012	FY 2013
Salaries (\$147,103 in FY 2009 assumed to increase 2.5% annually)		\$75,391	\$154,550	\$158,414
Annual Subsistence Allowance		\$1,500	\$3,000	\$3,000
Fringe Benefits (10.29% of Salaries)		\$7,758	\$15,903	\$16,301
Judges Retirement Fund Contribution		\$10,123	\$20,651	\$21,064
Travel & Education Expenses per Judge (\$10,000 per year)		\$5,000	\$10,000	\$10,000
Health, Vision, and Dental Insurance (\$9,793 Blended Rate)		\$4,897	\$9,793	\$9,793
Cost for each Judge x 3		\$314,003	\$640,477	\$653,261
Staff (1 Senior Judicial Law Clerk, 2 Clerks, 1 Secretary)		\$117,586	\$239,874	\$244,672
Fringe Benefits (19.54% of Salary)		\$22,976	\$46,871	\$47,809
Health, Vision, & Dental Insurance (\$9,520 Blended Rate)		\$19,586	\$38,080	\$38,080
Cost for Core Support Staff for Judges x 3		\$480,443	\$974,478	\$991,682
Staff (1 Staff Attorney, 1 Admin Assistant, 1 Computer Tech, 1 Personnel/Financial Officer)		\$106,032	\$216,305	\$220,631
Fringe Benefits (19.54% of Salary)		\$20,719	\$42,266	\$43,111
Health, Vision, Dental Insurance (\$9,793 Blended Rate)		\$39,172	\$76,160	\$76,160
Additional Administrative Staff (for entire Court of Appeals)		\$165,923	\$334,731	\$339,903
Commission on Judicial Qualifications (4 Meetings in FY 2009 at \$1,250 per Meeting)	\$3,750			
Start-up for Automation (Hardware & Software for all new staff)		\$37,830		
Furniture (\$75,000 x 3 Judges + \$6,000 x 1 attorney)		\$231,000		
Rent (2000 Sq. Ft. @ \$19/sq. ft) x 3 Judges + (150 Sq. Ft. @ \$19/sq. ft) x 1 staff attorney		\$128,250	\$256,500	\$256,500
Total Cost	<u>\$3,750</u>	<u>\$1,357,449</u>	<u>\$2,206,186</u>	<u>\$2,241,346</u>

Background Information on New Court Costs- Under IC 33-38-5-8.1, salaries of judicial officers are adjusted each year by the amount that executive staff in the same salary bracket are paid. For this analysis, judicial officers are assumed to receive a 2.5% annual salary increase.

Explanation of State Revenues: *Campaign Contributions-* Violation of this provision could result in criminal charges against candidates. Under current election law penalty provisions, there are various misdemeanors or felonies that could apply.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. However, any

additional revenue would likely be small.

Explanation of Local Expenditures: *Election of St. Joseph County Superior Judges-* This provision would have minimal impact on local expenditures. Judges in St. Joseph County are currently placed on the general election ballot every six years for a vote of retention. Given that the bill would require the judges to be directly elected by a general election ballot every six years, the general election ballot may need to be reorganized to accommodate their direct election instead of retention.

Explanation of Local Revenues: *Campaign Contributions- Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Election Division.

Local Agencies Affected: St. Joseph County, trial courts, local law enforcement agencies.

Information Sources: Steve Lancaster, Administrator of the Indiana Court of Appeals.

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